

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

FILED

2008 JAN -7 AM 11:00

Magistrate Docket No. 08 MJ 0039  
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Hector BAUTISTA-Macias,

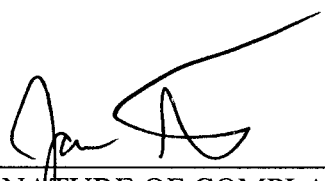
Defendant

K-14  
COMPLAINT FOR VIOLATION OF DEPUTYTitle 8, U.S.C., Section 1326  
Deported Alien Found in the  
United States

The undersigned complainant, being duly sworn, states:

On or about **January 3, 2008**, within the Southern District of California, defendant, **Hector BAUTISTA-Macias**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

  
 SIGNATURE OF COMPLAINANT  
 James Trombley  
 Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 7<sup>th</sup> DAY OF **JANUARY, 2008.**

  
 Louisa S. Porter  
 UNITED STATES MAGISTRATE JUDGE

**CONTINUATION OF COMPLAINT:**

**Hector BAUTISTA-Macias**

**PROBABLE CAUSE STATEMENT**

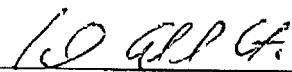
I declare under the penalty of perjury that the following statement is true and correct:

On January 3, 2008, Border Patrol Agents B. Soto, E. Blas and A. Pacheco were assigned to the Smuggling Interdiction Group/Criminal Alien Squad (SIG/CAS). Through record checks, the agents discovered that the defendant **Hector BAUTISTA-Macias**, a previously deported criminal alien, was residing in a residence in Chula Vista, California. During surveillance operations, the agents observed a man matching the description and likeness of the defendant exiting the residence and entering a parked car. Agent Soto, Blas and Pacheco approached the defendant and identified themselves as U.S. Border Patrol Agents. Agents questioned the defendant as to his identity and his immigration status. The defendant identified himself as Hector BAUTISTA-Macias and freely admitted to being a citizen and national of Mexico illegally present in the United States. At approximately 7:00 p.m., the defendant was arrested and transported to the Chula Vista Border Patrol Station for processing.

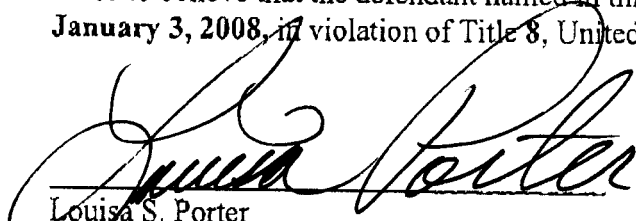
Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to Mexico on November 8, 2007, through Calexico, California. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

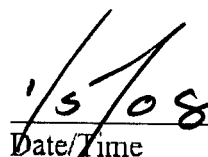
The defendant was advised of his Miranda Rights and stated that he understood his rights and was willing to answer questions without an attorney present. The defendant admitted to being a citizen and national of Mexico, and that he is present without immigration documents that would allow him to enter or remain in the United States legally.

Executed on January 5th at 10:00 a.m.

  
\_\_\_\_\_  
Ismael A. Canto  
Senior Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of 1 page(s), I find probable cause to believe that the defendant named in this probable cause statement committed the offense on January 3, 2008, in violation of Title 8, United States Code, Section 1326.

  
\_\_\_\_\_  
Louisa S. Porter  
United States Magistrate Judge

  
\_\_\_\_\_  
Date/Time 1/5/08 10:10 AM